

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager <sup>MSM</sup>

**SESSION DATE:** October 27, 2008  
**TIME:** 4:00 p.m.  
**PLACE:** Second Floor Conference Room

## **AGENDA:**

- **Adair County Humane Society Tour**
- **DREAM Organizational Structure**
- **Update on Historic Preservation and CLG Process**
- **Alcohol on City Property**
- **Review of Annexation Policy**
- **Newsletter Review – October 24, 2008**

## **ADAIR COUNTY HUMANE SOCIETY TOUR**

Members of the City Council expressed an interest in having an opportunity to tour the Adair County Humane Society shelter. A tour has been arranged for Monday, October 27 prior to the Study Session. Council members who wish to take the tour can meet at City Hall at 4:00 p.m. and we will go to the shelter as a group from there.

Once we return to City Hall, Police Chief Jim Hughes and Animal Control Officer Bob Allen will be at the meeting to answer any questions you might have about our operations and relation to this facility.

Recommended Action – If you are able to attend the tour, arrive at City Hall around 4:00 p.m.

## **DREAM ORGANIZATIONAL STRUCTURE**

On Thursday of this week, DREAM consultants were in town to provide an overview and outline of the proposed organizational structure recommended for downtown success. Four meetings were held throughout the day at the TCRC. Though the attendance was minimal, the discussion was not.

These meetings and the upcoming Study Session are planned opportunities to allow members of the community, and the City Council to give feedback to the DREAM consultants about the recommended organizational changes that the DREAM consultants believe to be important to a successful downtown.

The City Council was given copies of the Organizational Structure Review back in September. Several members of the City Council were able to attend one of the four meetings held on Thursday. We are looking for feedback and input from the City Council that we can send to the DREAM consultants for inclusion in the recommended organizational structure.

For years, the City has been a leading partner with the existing downtown organization, first with the creation of a special gross receipts tax that the City collected from downtown retail businesses for use by the downtown organization, and now insuring that the DREAM process moves forward. Though it is important for the City to support the downtown, the consultants believe it important that the City not be the lead organization and that the downtown organization take a more active role. This point was emphasized again during the recent DREAM meetings.

Included with this Study Session packet is the recommendation from the DREAM consultants. The City Council will need to review this information and determine if you see a need to make any changes. Keep in mind that the changes do not have to be just about those things that directly impact the City. For example, a question raised during the meeting on Thursday was whether it made more sense to have the Kirksville Area Chamber of Commerce take a more central role in leading the downtown, which would include hiring a staff person and collecting the dues or fees to pay for that person.

On a side note: Attendance at the meetings was small, but the ideas and feedback more than made up for the numbers. In an effort to get the word out press releases were sent out to the local media, flyers were hand delivered to all downtown businesses, personal invitations were mailed to everyone who attended the previous kick-off meeting, and several email invitations were sent out. Attendance by the downtown partners – ATSU, TSU, Chamber, County and City was great. We had limited participation from the downtown business owners. Scheduled times were planned before the shops opened in the morning and after they closed in the evening to try and accommodate these needs.

I believe the recommendations are right on track with what we, as a community, need to do. The problem is going to be getting others to work toward this effort. Funding will be an issue, not so much because of the price tag, but the perception of individuals having to pay money

Recommended Action – Review Section IV of the Organizational Structure Review starting on page 12 through page 20 making note of both the recommendations you support, recommendations you question and recommendations you disagree with. Once the City Council has had a chance to discuss it, we will send a summary report to the DREAM consultants to give them the City of Kirksville feedback.

## **UPDATE ON HISTORIC PRESERVATION AND CERTIFIED LOCAL GOVERNMENT PROCESS**

The Commission has held several meetings and are working toward completing the guidelines and procedures that the Council will be asked to adopt establishing our historic preservation process. The Commission has made several changes to the original document. The changes they are proposing are found in the document that is part of this Study Session Packet. Staff will walk the Council through the proposed changes on Monday.

#### Recommended Action

Provide feedback to staff on the direction of the Historic Preservation plan.

### **ALCOHOL ON CITY PROPERTY**

The City Council met on August 11 and again on September 8 to discuss whether or not to consider an ordinance that would allow for the consumption of alcohol at the airport, Rotary Park and North Park. The Council asked that staff survey other cities who have implemented similar ordinances to determine what impacts, if any resulted from the implementation of this type of ordinance.

Community Services Director sent out a request to members of the Missouri Parks and Recreation Association to find out what cities if any allowed the consumption of alcohol on city property. Eleven communities responded with nine of those allowing the consumption of alcohol on city property. Two communities responded stating that they do not allow alcohol. A summary of this information is included at the end of this Study Session packet. One community that was mentioned at the August 11 meeting as allowing alcohol was the City of Columbia. They did not respond to our request.

The Council wanted to consider this policy at the request of some citizens including Randy Smith, Kirksville Airport Association, who wanted the Council to consider a policy to allow beer and wine to be served at an airport event at the city-owned hangar. The event was moved to a private hangar and the request was not as urgent for consideration. In addition members of the Rotary Club asked the Council to allow the consumption of alcohol at Rotary Park Amphitheater for special events. The final request was a consideration to generate additional income for North Park by allowing the City to sell alcohol on the adult softball league nights.

Current City ordinances do allow for the sale of beer and wine on public property in the downtown business district only. The October Fest in front of IL Spazio is an example of current practice allowable under the existing ordinance.

The new ordinance would allow for the sale of beer and wine at North Park, Rotary Park Amphitheater and the Airport in addition to the downtown district. The applicant for any permit to sell alcohol must be a nonprofit, charitable organization or department of the City of Kirksville.

All events for which a permit would be issued would comply with the following: 1) The area in which the possession and consumption of alcohol would be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area. 2) The area would include city approved entrances/exits, which would be staffed at all times. 3) A system of checking ID's to prevent underage drinking would need to be provided and followed. 4) A layout of the area to be utilized for serving and consuming alcohol would be required from the applicant. 5) The specific hours of the event would be part of the approval process before a permit would be issued. 6) All events for which a permit could be issued would need to conclude by twelve o'clock midnight.

The applicant must comply with all other City ordinances and policies regarding the use of City property.

#### Recommended Action

The City Council needs to decide whether this is a policy you wish to continue to pursue based upon the proposed policy or other criteria, or is the Council interested in staff working on developing a policy.

### **REVIEW ANNEXATION POLICY**

The Council was asked to consider annexing in several properties on an involuntary basis and is now being asked to annex property on a voluntary basis. Involuntary annexation is the process when an incorporated area wishes to annex a property into its corporate limits and the current property owners are not in favor of the annexation. A voluntary annexation is the opposite, a property owner whose property is contiguous with the existing corporate limits wishes to have their property annexed.

The area south of town along Highway 63 just south of the Missouri Department of Conservation includes a couple of businesses and the Council was asked to annex these properties by other individuals. The properties that will be presented to the Council in November are properties on the north end of town along Industrial Road. One of the reasons for this annexation request is the need by the US Army to construct a new reserve center within the city limits of Kirksville. The Army needs to acquire some additional acreage and that acreage is outside the city limits. To comply with the funding requirements for the reserve project, the Army needs to have this additional acreage added to the city limits. The second annexation request incorporates this same land and includes the balance of property owned by Doc Gardner. A portion of his land is already within the city limits, but he was asked to consider annexing the balance of the land because of its location to the Industrial Park and the need for additional land for potential development projects. Water, sewer and a paved road are already available to this property.

Annexation is the process by which a city extends its municipal services, regulations, voting privileges and taxing authority to new territory. Cities annex territory to provide

urbanizing areas with municipal services and to exercise regulatory authority necessary to protect public health, safety and welfare. Annexation is also a means of ensuring that residents and businesses outside a city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services. Annexation may also be used as a technique to manage growth.

A city can only annex land as allowed by State law. Copies of these regulations are included in this packet.

Annexation is critical to the long-term well being of Kirksville and needs to be carried out in accordance with established policies and not on an ad hoc basis. Because of the fiscal implications of annexation, the costs of providing municipal services must be estimated and weighed against the anticipated revenues of areas proposed for annexation. Performing a fiscal impact analysis does not mean that only areas with positive cash flow should be annexed. There will be instances when health, safety, environmental or other factors will override fiscal considerations and an area may need to be annexed despite its fiscal impact. Other areas may have short-term financial impacts, but may be in the long-range best financial interest of the city.

Following are a list of goals that the City Council may want to consider before an annexation policy is developed and a subsequent plan adopted.

The primary goal of an annexation policy should be to ensure efficient delivery of adequate public services to new development as it occurs in a manner that is most beneficial to the citizens of the community. This goal would be further accomplished by following the Kirksville Comprehensive Plan and approved long range plans for water, sewer, streets and storm drainage. The following goals are those suggested for consideration when the City reviews any proposed annexation.

- Encourage the highest intensity of growth to locate within the City's corporate limits.
- Encourage urban growth within the city limits with gradual phasing outward from the urban core.
- Ensure that adequate public services, facilities and publicly-owned utilities are available to proposed and existing development.
- Encourage land use patterns that will increase the availability of affordable housing for all economic segments of the population.
- Supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for over the next twenty years.

- Ensure that development patterns that will encourage efficient multi-modal transportation systems are coordinated with regional, City and County transportation plans.
- Reduce impacts from flooding; encourage efficient storm water management; and ensure that the water resources are protected and preserved.
- Consider cost/benefit issues, when appropriate, for proposed annexations to determine annexation boundaries and timing.
- Inform the public of all annexation proceedings, in full accordance with state law.
- Consider citizens' concerns during the annexation process.

Recommended Action:

A draft policy is attached at the end of this packet for your consideration and input..

**NEWSLETTER REVIEW – October 24, 2008**

Attachments

- Organizational Structure Review Evaluation Findings and Preliminary Recommendations – pg 7- 9
- Excerpt from DREAM Organizational Structure Review Recommendations – pgs 10 - 18
- Staff Report from Brad Selby – Historic Preservation – pg 19
- Revised Historic Preservation Ordinance – pg 20 - 44
- Staff Report from Steve Bell – Consumption and Sale of Alcohol on City Owned Property – pg 45
- Policy on Consumption of Alcohol – pgs 46 - 48
- Draft Annexation Policy pgs 49 - 51
- Missouri Revised Statutes Annexation – pg 52 - 53

Enclosures

- DREAM Organizational Structure Review Evaluation document

Organizational Structure Review  
Evaluation Findings and Preliminary Recommendations

Report and Outline

On May 29<sup>th</sup> and 30<sup>th</sup>, Patrick Hanlon, PGAV, conducted separate organizational structure conference calls with Kirksville City Council Members, Truman State University, A.T. Still University, Adair County Historical Society, Kirksville Arts Association, Kirksville Downtown Improvement Committee, Inc., and the Chamber of Commerce. Mr. Hanlon's goal was to obtain various perspectives on how these organizations impact downtown revitalization.

The Organizational Structure Review, delivered on September 2<sup>nd</sup>, is a compilation of how existing organizations can enhance their role and how new organizations can address specific areas of need in downtown revitalization.

Current organizations include the City of Kirksville, KDIC, Inc., Kirksville Chamber of Commerce, Truman State University, A.T. Still University and the Kirksville Arts Association.

Recommended New Organizations include:

1. Kirksville Downtown Community Improvement District (KDCID) – This organization will work with KDIC, the City, and the KDCDC to provide increased public financing resources resulting from private investment. The KDCID would ultimately provide funding to KDIC for a full-time employee.
2. Kirksville Downtown Community Development Corporation (KDCDC) – This organization would focus on housing development and commercial real estate development. Membership would be made up mainly of participating banks and local businesses. Funding would come through donations, grants, and investment from members.
3. Downtown Events Committee – This organization would be under the umbrella of the KDIC. The Chamber of Commerce and the Kirksville Arts Association would assist the committee in downtown marketing and promotions. Having a single committee organizing and promoting downtown activities would capitalize on the success of downtown events.
4. Downtown Economic Development Committee - This organization would specifically address the economic development needs of the downtown. Membership would include those from the Chamber of Commerce's Economic and Community Development Committee, the KDCDC, KDCID, KDIC, and the City of Kirksville. This committee would be charged with downtown retail development.

Existing Organization Enhancements include:

1. City of Kirksville – Continue to provide attention to downtown code enforcement, historic preservation establishment, design guidelines adherence, and preparing wayfinding and signage. The City should continue to beautify Downtown. This includes the removal of the metal tin covering the facades of downtown buildings and continuing to persuade building owners of the benefits of canopy removal and historic district qualification. It is recommended that the City take a supporting role, in partnership with KDIC, in educating and informing the downtown community about the benefits of establishing the Downtown Kirksville Community Improvement District (KDCID). The City should also be a leader in the development of the relationship among the Downtown Business Owners and student body of Truman State University and A. T. Still University.
2. Kirksville Downtown Improvement Committee, Inc. (KDIC) – Continue to establish itself as a private, non-profit corporation designed to unify Downtown interests and to encourage community support for the Downtown Revitalization Program. The KDIC will be responsible for advocacy on behalf of the downtown community and the promotion of its members' interests. It will rally volunteers, gather resources, and press for progress. KDIC will require a full-time employee to oversee operations and if possible a support person to handle administrative duties. It is important to the success of the Downtown Revitalization Strategy that the KDIC develop an avenue for the Kirksville Community to become involved in Downtown Revitalization Efforts. The KDIC should consider an opportunity to more greatly involve the students of the local educational institutions, particularly Truman State University and A.T. Still University. A University Partnership Committee should be organized to encourage communication between KDIC and the student body. The KDIC should work closely with the City to establish a Community Improvement District (CID) that would support the KDIC financially and provide funding for other downtown improvements that the Downtown TIF cannot.
3. Kirksville Arts Council – Continue to play an active role in developing and participating in Downtown events as well as fostering the relationship between KDIC and the Student Community and Kirksville Area Residents.
4. Downtown Merchants Group – Retailers should modify or expand their product offerings to address the needs of visitors, students, and residents. Additionally, providing attractive displays and coordinating themes and hours of operation will help create a positive shopping experience. Increasing communication between Downtown retailers and among other attractions in and around Kirksville will allow retailers to improve productivity through their increased knowledge of the market. This organization would be responsible for developing a program to assist in these areas.
5. Chamber of Commerce – Continue to participate in a regional marketing program. Identify future opportunities to deliver resources to Downtown businesses, and to encourage businesses to take advantage of the Chamber's business support services.
6. A.T. Still University and Truman State University – Continue to play a leading role in Downtown Revitalization, and increase their involvement in the KDIC. They

should assist KDIC in the formation and recruitment of a University Partnership Committee. This committee would be responsible for 'bridging the gap' between Downtown Business Owners, Developers and Stakeholders and the needs of the Universities and their respective Student Body.

The following recommendations outline the first steps to establishing an effective Downtown organizational structure in Kirksville:

1. Establish KDIC as the leader of the Downtown Revitalization Program.
2. KDIC guides creation as the support committees: Economic Development Committee, Events Committee, Merchants Committee, and University Partnership Committee.
3. The City and KDIC begin the task of developing outreach plans for the Kirksville Downtown Community Improvement District.

## SECTION IV

### RECOMMENDED ORGANIZATIONAL STRUCTURE DEVELOPMENT AND ENHANCEMENT

The most critical component of a successful Downtown Revitalization Strategy, which is of particular importance to the DREAM Initiative, is the creation of a sustainable organizational structure with the capacity to implement DREAM recommendations and provide ongoing Downtown Revitalization support. It is important that the community has the necessary components; a proactive business community, grassroots support, and a dedicated local government to create the critical mass needed for a successful Revitalization Program. Kirksville has the assets necessary to create the organizational structure required to reach the level necessary for success.

Kirksville's existing downtown organizational structure has many entities involved in the evolving Downtown Revitalization Program. As such, the current organizational structure has established a foundation for incorporating some of the elements of successful organizations and revitalization efforts described in Section III. However, there are elements that are not currently being addressed, or have not been historically needed, which may become important features of the Downtown Revitalization Program. The evolving needs of a Downtown Revitalization Program require that the organizational structure be flexible in order to increase capacity to address these elements in the future and potential additional needs.

Aside from the City, there is no funded agency working for downtown revitalization. The KDIC is well organized and focused on downtown but lacks the financing necessary to realize its vision. The Chamber, Truman State University, and A.T. Still University also greatly increase the effectiveness of the Downtown Revitalization Program, but each has interests outside of Downtown. Additionally, the City has pressures that may limit their continued focus on the downtown and could potentially bring scrutiny from other areas of their respective constituents.

It is important that the KDIC has an appropriate focus for downtown, adequate resources including personnel and funding, support from other existing groups as well as grassroots support from citizens, a proactive business community, and a dedicated local government to create the critical mass needed for a successful Revitalization Program. It is vital to coordinate these elements into a forward facing, broad based, widely supported, sustainable effort.

The existing Organizational Structure is shown in **Attachment 2-A** in the **Appendix**. **Attachment 2-B** depicts the recommended Organizational Structure and the linkages between these groups. These organizations, specific to downtown, must be pursued in order to bring the Downtown Kirksville Revitalization Program up to speed. The organizations should include the KDIC leading the effort, providing the downtown community as a whole with advocacy, unification, and leadership. This lead organization will be supported by two additional organizations; a community development corporation

whose roles is to spur real estate development as well as provide financial support to the lead organization, and a community improvement district to bring the necessary services to downtown, as well as provide financial support to the KDIC. In addition to these organizations there will need to be other realignments of responsibilities made to ensure an orderly effort and not disrupt important current activities. A successful downtown requires an events committee and an economic development committee specific to downtown.

The following recommendations are made in two parts. First, recommendations will be provided for "organizational structure capacity" enhancement through the establishment of new organizations to complement the existing organizational structure. Second, recommendations are suggested for the enhancement of the existing organizational structure capacity, whether it is specific to an organization or to an element of successful revitalization efforts involving several organizations. The funding necessary to sustain these organizations will be addressed in more detail in the Financial Assessment Review component of the DREAM Initiative.

#### RECOMMENDED NEW ORGANIZATIONS

##### A. Kirksville Downtown Community Improvement District (KDCID)

The Kirksville Downtown Community Improvement District will provide an extra level of public service to the DREAM Study Area. The KDCID will channel private sector energy towards the solution of public problems. The KDCID will work with KDIC, the City, and the KDCDC to provide increased public financing resources resulting from private investment to meet the comprehensive objectives of the Downtown Revitalization Program. Funds generated by the KDCID should be used to provide district marketing, administrative support, event promotions, infrastructure, Downtown beautification, and most importantly to encourage redevelopment of buildings.

The KDCID should contract with KDIC to provide administrative and technical services for ongoing administration of the KDCID, in addition to the services discussed earlier.

The KDCID can be organized as a non-profit corporation or a political subdivision, however forming a political subdivision is recommended as it provides a more stable revenue source. Forming the CID requires a signed petition submitted to the hosting municipality that includes:

- Property owners owning more than 50% of assessed value of real property
- 50% per capita of all owners
- Boundaries of the district
- 5-year capital and service plan outlining purpose of district
- Cost estimates of improvements

The KDCID should designate itself as a public benefit corporation organized according to Ch. 355. The board of directors of a non-profit CID is organized in the same manner as other non-profits, according to Ch. 355. The organization can be funded by a property

assessment or by charging fees from tenants, economic development grants, voluntary donations and municipalities may fund through grants or contributions.

A political subdivision CID is organized through a petition which states whether the Board is elected or appointed by the ranking city official. It is recommended that the Board consist of seven (7) to nine (9) members. A political subdivision CID may be funded by levying a tax on property, charging a fee for a business license, or charging an additional sales tax.

#### **B. Kirksville Downtown Community Development Corporation**

The Kirksville Downtown Community Development Corporation ("KDCDC") should be a downtown based non-profit or for-profit corporation formed to conduct public benefit projects and other redevelopment activities. The ultimate decision of whether to form as a non-profit or for-profit CDC lies with those partners forming the entity. The KDCDC can take on many roles in the effort including; housing development and commercial real estate development as well as economic development, particularly small business development. Membership of the organization will be made up mainly of participating banks but can include local businesses. Funding for the KDCDC can be through donations, grants, and investment from members. With a multi-bank CDC loans and equity can be provided to small businesses or development partners. The board should be made up of representatives from the primary bank members, KDIC, Kirksville Downtown Community Improvement District, and the City. If a non-profit is desirable the KDCDC is organized in the same manner as other non-profits, pursuant to Ch. 355 statutes.

#### **C. Downtown Events Committee**

Through the umbrella of KDIC with assistance from the Chamber of Commerce and Kirksville Arts Association a Downtown Events Committee should be created and be responsible for downtown event development and management (including all of the current events) and downtown event overall marketing and promotions. Having a single committee organizing and promoting the downtown activities will ensure that the Area capitalizes and makes the most out of the added activity that accompanies events. The existing committees and personnel of the Chamber are very skilled at organizing, promoting, and managing events. Therefore, the necessary personnel exist and are able to provide assistance.

#### **D. Downtown Economic Development Committee**

A new committee should be formed to specifically address the economic development needs of downtown. This committee should include members of the Chamber of Commerce's Economic and Community Development Committee (if necessary the committee could begin as a sub-committee of the Chamber's Economic and Community Development Committee) and the KDCDC, KDCID, KDIC, and City of Kirksville. Not only will the committee be responsible for general business development in Downtown, it will be charged with Downtown retail development. Retail development should encompass the majority of the work for the committee as this is the most pressing need for downtown.

## EXISTING ORGANIZATION ENHANCEMENTS

### E. City of Kirksville

The City of Kirksville's involvement in Downtown Revitalization is critical to its success. Many of the Downtown successes to date have occurred mainly due to the City's leadership and financial participation. Additionally, City involvement demonstrates local government commitment and increases the likelihood of broad citizen participation. The City should assist in the development of all necessary political subdivisions and districts as well as participate in the appropriate boards. However, efforts should be made to avoid politicizing the Revitalization Program.

City services are one of the essential elements for a successful Downtown Revitalization Program. The financial commitment by the City to support capital improvement projects should continue and exceed the current level of activity, as appropriate. The City can help with leveraging other resources by providing a local match investment. This practice is the most effective means for accomplishing large-scale capital and infrastructure projects. However, the local resources of the City must be distributed throughout the community and other financial resources should always be considered. The City will have an important role to play in all aspects of revitalization and has already maintained a steady effort for downtown. The City should take the lead in the tough decisions that lie ahead.

- The City will need to provide attention to downtown code enforcement, historic preservation establishment, design guidelines adherence, and preparing wayfinding and signage, not only in the DREAM Study Area, but throughout the City. Building codes should be pursued aggressively and fairly.
- The City should continue to beautify Downtown. This includes pursuing the removal of the "slip covers" or metal skin covering the façades of downtown buildings and continuing to persuade building owners of the benefits of canopy removal and historic district qualification.
- It is recommended that the City take a supporting role, in partnership with KDIC, in educating and informing the downtown community about the benefits of establishing the Downtown Kirksville Community Improvement District (KDCID). By using the economic activity created by businesses to generate special tax revenue in the Downtown Area, this financing tool will provide a much needed resource that will strengthen KDIC's programming and sustainability and stimulate increased private reinvestment in buildings throughout Downtown. These "small-scale" projects are not easily funded by State and Federal resources, therefore the KDCID can provide much needed revenue gap financing to make sure Downtown not only "leaps forward" with "big projects" but also makes incremental improvements on a recurring basis.
- The City should also be a leader in the development of the relationship among the Downtown Business Owners and student body of Truman State University

and A.T. Still University. This relationship and understanding will need to be improved if Downtown is to reach its full potential.

**F. Kirkville Downtown Improvement Committee, Inc.**

The Kirkville Downtown Improvement Committee, Inc. should continue to establish itself as a private, non-profit corporation designed to unify Downtown interests, encourage broad community support as well as lead the Downtown Revitalization Program (the "Program").

The KDIC will be responsible for advocacy on behalf of the downtown community and the promotion of its members' interests. It will act as the leader of the Program, rallying volunteers, gathering resources, and pressing for progress. In order for the organization to function as intended it will require a full-time manager to oversee operations and if possible a support person to handle administrative duties. The manager of this organization is instrumental to the Program as they will be the point person, community liaison, and motivating force of the Program.

The membership of the KDIC is designed to consist of seven categories of "Downtown-Centric" business and property owners, in order to fairly represent those with an interest in Downtown. However, it is important to the success of the Downtown Revitalization Strategy that the KDIC develop an avenue for the Kirkville Community to become involved in Downtown Revitalization Efforts. Currently this opportunity does not exist. While at this point there are not a large number of members of the community who wish to be involved, that may change as momentum builds. Providing an opportunity for community involvement gives the community a sense of ownership in the resulting improvements. There are a number of ways to provide the opportunity for involvement to the community; such as through a committee of community volunteers (with a goal of increasing community support), or it can be an additional membership category, but limit the representative Board membership for that category to retain control in the Downtown.

In addition to the surrounding community greater involvement of the student body of the local universities is vital to achieving Downtown Revitalization. Following the same ideas detailed above the KDIC should consider an opportunity to more greatly involve the students of the local Educational Institutions, particularly Truman State University and A. T. Stills University. However, an additional membership category will probably not be necessary, due to the students' instability relative to permanent residents. This group of partners can best be served through a University Partnership Committee, whose sole purpose is to encourage communication between KDIC and the student body.

As stated above, the KDIC should work very closely with the City to establish a Community Improvement District that would support the KDIC financially and provide funding for other downtown improvements that the Downtown TIF cannot. At the outset the organization can share office space and services with another organization or government entity, but should eventually be self-reliant

**G. Kirkville Arts Council**

The Kirksville Arts Council provides a great opportunity for Downtown Kirksville to continue to grow its Arts culture. The Arts council works to enrich, enhance and nurture communities through Arts programs. These programs and their outcomes are often effective economic development partners and add to the quality of life of the area as well as Downtown. Not only can an Arts Council improve the quality of life for the community it can add to the unique sense of place which is inherent in a successful Downtown. The Kirksville Arts Council should play an active role in developing and participating in Downtown events as well as fostering the relationship between KDIC and the Student Community and Kirksville Area Residents.

#### H. Downtown Merchants Group

The Downtown Merchants Group should be formed in order to promote improvements to the Downtown business environment, specifically the retail business climate. The organization can be formed as a separate non-profit or a committee under the umbrella of the KDIC depending on the size of commitment and interest among Downtown retail and restaurant owners. The existing Retail Merchants Committee of the Chamber of Commerce can be a great starting point for establishing this committee, similar to the Downtown Economic Development Committee. The shops and restaurants in Downtown Kirksville can benefit greatly by improving their retail operations and productivity.

Retailers should modify or expand their product offerings to address the needs of visitors students, and residents, taking into account products carried at Mass Merchandisers. Particular attention should be paid to providing unique products and excellent service. Additionally, providing attractive displays and coordinating themes and hours of operation will help create a positive shopping experience.

Increasing communication between Downtown retailers and among other attractions in and around Kirksville will allow retailers to improve productivity through their increased knowledge of the market. For example, retailers can adjust their hours of operation to open only when necessary. Retailers could base this decision on when the sales volume at attractions and other retailers is highest or when large events are being held.

The above improvements can be accomplished through a variety of means, including increasing communication, improving product offerings and displays, and coordinating hours and events. The Downtown Merchants Group would be responsible for developing a program to assist in these areas.

#### I. Chamber of Commerce

The Chamber's role as the broader community representative requires a wider mission, goals, and objective that impede the ongoing development of the specific expertise and capacity necessary for the unique issues faced in Downtown's revitalization. As such, the Chamber recognizes that a "downtown specific" organizational structure to which the Chamber provides support rather than the primary role is necessary.

The Chamber's participation in the organizational structure should continue in a similar capacity as is currently represented with particular benefit afforded Downtown through the Chamber's active regional marketing program. However, the business development, small-business, entrepreneurial education, and networking opportunities offered by the Chamber will become increasingly important to the success of Downtown's revitalization as business growth occurs. Identifying future opportunities to deliver these resources to Downtown businesses, and to encourage businesses to take advantage of the Chamber's business support services, should be further developed within the context of the overall Downtown revitalization effort.

**J. A.T. Still University and Truman State University and the University Partnership Committee**

The Universities should continue to play a leading role in Downtown Revitalization, and increase their involvement in the KDIC. The resources and assistance that the Universities can offer to KDIC as well as Downtown in general are immense, and are greatly responsible for much of the progress seen to date. The Universities should assist KDIC in the formation and recruitment of a University Partnership Committee. This committee would be responsible for "bridging the gap" between Downtown Business Owners, Developers and Stakeholders and the needs of the Universities and their respective Student Body.

## SECTION V

### CONCLUSIONS, IMPLEMENTATION AND FUTURE WORK

The interaction of the various organizations and the assigned roles and responsibilities of each particular organization will remain dynamic as progress is made. Initial roles and responsibilities will change as goals are met, projects are completed, new issues arise, and organizations accept more responsibility. Preliminary recommendations of the responsibilities and roles of the various downtown organizations and committees are listed in the **Appendix as Attachments 3-A and 3-B**.

The strength of Downtown Revitalization Programs is realized through unified collaborative action of the organizations toward agreed upon Revitalization Program goals and objectives. The leadership of the board of directors of individual downtown organizations controls in great part the amount of collaboration between them. In order to attain a high level of cooperation, and agreement in goals and objectives, the boards should contain the same make-up (i.e. for the most part, the same people should serve on the various boards). Not only does this ensure intra-organizational cooperation it ensures control of the process among the key stakeholders: City government, downtown businesses, and downtown residents. It also makes best use of limited board recruit resources. Board make-up should include a majority of private or downtown interests with public entity participation making up the minority. This helps to make certain that a downtown focus will be kept, and that the private sector is driving the effort.

The next step towards implementation of the Revitalization Program begins with incorporating the recommendations of this report into the KDIC and begin promoting that organization heavily as the new leader of the Downtown Revitalization Program. Then KDIC can begin to assist with the development and creation of the supporting organizations and committees. A sample job description for the Executive Director position leading KDIC can be found in the **Appendix as Attachment 4**. Additionally, the board of directors for KDIC will be the foundation for the remaining boards of the new establishments.

The following recommendations outline the first steps to establishing an effective Downtown organizational structure in Kirkville:

- #1 Establish KDIC as the leader of the Downtown Revitalization Program and incorporate report recommendations.
- #2 KDIC guides creation of the support committees: Economic Development Committee, Events Committee, Merchants Committee, and University Partnership Committee.
- #3 The City and KDIC begin the task of developing outreach plans for the Kirkville Downtown Community Improvement District. KDCDC will need to be involved as well.

Along with the above responsibility and role adjustments, also required will be realignment of resources such as personnel and funding sources. It will be critical that most, if not all of these organizations show public support of the coming changes. Disagreements should be discussed in meetings and the best unified front possible provided to the public.

The additional work of goal development, bylaw creation or adjustment, mission and vision development can be very exciting and should not get politicized or hijacked for the grandstanding of any individual organization or project. Kirksville Downtown Development Corporation will need strong leadership to ensure this doesn't occur. Assistance in evaluating these aspects can be found in the Appendix as Attachment 5.

Future DREAM Initiative work will assist in development and improvement of the various funding components, market analysis, and overall strategy development. Formation of these downtown organizations is the first step towards the development of a comprehensive Downtown Revitalization Program.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Kirksville Historic Preservation Commission – Update on Progress

**STUDY SESSION MEETING DATE:** October 27, 2008

**CITY DEPARTMENT:** Codes

**PREPARED BY:** Brad Selby, Codes & Planning Director

The Kirksville Historic Preservation Commission (KHPC) has had two meetings now and is making significant progress towards approving and recommending a new ordinance to the Planning & Zoning Commission.

Our meeting date is the first Wednesday of the month at 4:00 pm in the council chambers. Meetings will eventually be reduced to once per quarter, depending on the business at hand. The public is invited to all of our meetings. The Chairman of our commission is Ken Shook. Vice-Chair is Cole Woodcox.

The Commission has voted to accept nominations only from property owners. This decision allows the property owner the most freedom to exercise his property rights. This decision was a big one, but the alternative was to give the impression that property owners would be forced to accept historic designations for their properties, depending on votes of the KHPC, Planning and Zoning, and of the City Council. Our adopted process is used in several cities and counties in the State, for Historic Preservation.

At our next meeting, we are discussing the fees for Certificates of Appropriateness and for nominating properties. There is a need to keep these fees from being prohibitive, to encourage more owners to nominate their historic properties. The process for demolitions is also being considered for modification, to make it easier to demolish properties that have no historic value. We are also discussing the minimum maintenance requirements for properties.

At our next meeting we also hope to approve the first section of the proposed ordinance, with a complete ordinance approval being possible at the December meeting, or certainly the January meeting. If that goal is accomplished, we would then be ready for our first Public Hearing to adopt the ordinance.

Everyone on the Commission has provided suggestions and questions in our meetings. I could not be more pleased with the enthusiasm on the commission. I feel we have made good progress toward our goal of being a Certified Local Government and of preserving our historic sites.

**BILL NO:** \_\_\_\_\_

**ORDINANCE NO:** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI AUTHORIZING THE ESTABLISHMENT AND FORMATION OF THE KIRKSVILLE HISTORIC PRESERVATION COMMISSION, UNDER A NEW SECTION OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE CALLED: KIRKSVILLE HISTORIC PRESERVATION.**

**WHEREAS**, The City of Kirksville was originally chartered in 1857; and

**WHEREAS**, the City of Kirksville has many buildings, structures, objects, sites, and districts that embody a sense of time and place unique to the City, or which exemplify and reflect the cultural, social, economic, political, architectural, engineering or archaeological history of the nation, the State of Missouri, or the City; and

**WHEREAS**, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten areas, places, structures, sites, works of art and other objects having special historic, community, architectural archaeological, or aesthetic importance, interest or value and whose preservation and continued utilization are necessary and desirable for the enjoyment, by the citizens of Kirksville and others, of the history and beauty of said city; and

**WHEREAS**, the protection of the historic, archaeological and architectural character and resources of the City of Kirksville is necessary for the promotion of its economic development; and

**WHEREAS**, the legislature of the State of Missouri has recognized the importance of protecting and preserving places, areas and neighborhoods of historical and cultural importance and significance by empowering cities to adopt regulations and restrictions for the protection of such places and areas, as provided by Chapter 89 and Chapter 253.415 of the Missouri Statutes,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:**

That a new section of the Code of Ordinances be approved and named: Kirksville Historic Preservation; under which the Kirksville Historic Preservation Commission shall be formed and that the provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the City of Kirksville, Missouri, as follows:

**KIRKSVILLE HISTORIC PRESERVATION**

## Section 1. General Provisions

**a. Purpose.** The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify, evaluate, and preserve the distinctive historic and architectural characteristics of the City of Kirksville;
- (2) Fostering civic pride in the beauty and accomplishments of the past as represented in Kirksville's landmarks and historic areas;
- (3) Conserving and improving the value of property designated as landmarks or historic districts;
- (4) Protecting and enhancing the attractiveness of the City of Kirksville to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the City.
- (5) Fostering and encouraging preservation, restoration, and rehabilitation of historic structures, areas, and neighborhoods;
- (6) Promoting the use of landmarks and historic areas for the education, pleasure and welfare of the people of the City of Kirksville;
- (7) Encouraging the identification, evaluation, protection, and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the City of Kirksville.

**b. Definitions.** Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- (1) *Alteration* – Any act or process that changes one or more historic, architectural, or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing, grading, or other modification of an area, site, or landscape that changes its current condition.
- (2) *Board of Adjustment* – The board established pursuant to Appendix

A – Zoning, Article II, of the Code of Ordinances of the City of Kirksville, Missouri.

- (3) *Certificate of Appropriateness* – A certificate issued by the Kirksville Historic Preservation Commission (KHPC) indicating its approval of the architectural appropriateness of plans for construction, alteration, removal or demolition of a landmark or of a structure within an historic district.
- (4) *Certificate of Economic Hardship* – A certificate issued by the KHPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.
- (5) *Construction* – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
- (6) *Demolition* – Any act which destroys in part or in whole a landmark or a structure within an historic district.
- (7) *Design Guideline* – A standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic, or aesthetic character of a landmark or historic district.
- (8) *Exterior Architectural Appearance* – The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.
- (9) *Historic District* – An area designated as being zoned “H – Historic” by ordinance of the City Council which may include individual Landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as Landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the Historic District.
- (10) *Historic significance* – Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.
- (11) *KHPC* – Members of the Kirksville Historic Preservation Commission.

- (12) *Landmark* – A property or structure designated as a “Landmark” by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City of Kirksville, and zoned appropriately as an “H-Historic” overlay property.
- (13) *Minimum Maintenance* – The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the 2003 International Property Maintenance Code, as published by the International Code Council and adopted by reference into the Code of Ordinances for the City of Kirksville. The particular year or version of the International Property Maintenance Code adopted by the City of Kirksville will be the version that is recognized by this ordinance and made a part thereof.
- (14) *Ordinary Maintenance* – Any work for which a building permit is not required by the City, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.
- (15) *Owner of Record* – The person, corporation or other legal entity listed as owner on the records of the Adair County Recorder of Deeds.
- (16) *Public Improvement Project* – An action by the City of Kirksville or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting city parks or city owned structures.
- (17) *Removal* – Any relocation of a structure, object or artifact on its site or to another site.
- (18) *Repair* – Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.
- (19) *Secretary of the Interior’s Standards* – The Secretary of the Interior’s Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic

preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).

- (20) *Site* – The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.
- (21) *Stop Work Order* – An order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness.
- (22) *Structure* – Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.
- (23) *Survey* – The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

## **Section II: Kirksville Historic Preservation Commission**

**a. Members.** The Kirksville Historic Preservation Commission (KHPC) shall consist of seven (7) members, residents of the City of Kirksville or the surrounding community, all of whom shall be appointed by the Mayor of Kirksville. In addition, a member of the City Council and of the Planning and Zoning Commission shall be appointed to serve as members. The Council and Zoning representatives shall vote but shall not hold office. All Commission members must have a demonstrated interest, competence, or knowledge in historic preservation. To the extent available in the community the KHPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape

architecture, law, real estate brokerage, banking, history or other fields related to historic preservation, and residents of historic districts or potential historic districts.

**b. Terms.** The terms of office of the members of the KHPC shall be for three years, excepting that the membership of the first KHPC appointed shall serve respectively for terms of two for one year; two for two years; and three for three years. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within 60 days. The KHPC shall hold at least four (4) meetings per year and any member of the KHPC who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, shall thereby automatically vacate the membership.

**c. Officers.** Officers shall consist of a chairman and a vice-chairman elected by the KHPC who shall each serve a term of one (1) year and shall be eligible for re-election. The City Council and Planning and Zoning Commission representatives shall not be eligible for office. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The Codes and Planning Director of the City of Kirksville will be appointed as a City Staff Representative member of the Commission, but without voting privileges. Other members of the City staff may also be appointed members, but without voting privileges. The secretary of the KHPC shall be appointed by the Codes and Planning Department of the City of Kirksville and shall have the following duties:

- (1) Take minutes of each KHPC meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the KHPC;
- (3) Give notice as provided herein by law for all public hearings conducted by the KHPC;

The Codes and Planning Director of the City of Kirksville shall have the following duties:

- (1) Prepare agendas for all meetings of the KHPC, provide information on the agenda items, and give them to the Secretary for timely mailings to members and to the media.
- (2) Prepare reports and information on decisions made by the KHPC, and report same to the Planning and Zoning Commission for their recommendations to the City Council;
- (3) Advise the City Manager of vacancies on the KHPC and expiring terms of members; and
- (4) Prepare reports and information on decisions made by the Planning and Zoning Commission regarding KHPC actions to the Kirksville City Council on any matter requiring their consideration and decisions.

**d. Meetings.** A quorum shall consist of four of the voting members. All decisions or actions of the KHPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the KHPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard City policy and RSMO Section 610.020. No member of the KHPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the KHPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the KHPC, as provided herein. All meetings of the KHPC shall be open to the public except as allowed by State law. The KHPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall be public record. All KHPC rules of procedure, designation criteria, design guidelines, and forms shall be available to the public at the Office of the City Clerk or on the City of Kirksville's web site: [www.kirksvillecity.com](http://www.kirksvillecity.com).

**e. Funding.** The City Council shall annually appropriate funds, within the budget limitations, for the operation of the KHPC. The KHPC may, with the consent of the City Council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this ordinance.

**f. Compensation.** The members of the KHPC shall serve without compensation but shall be reimbursed for expenses they incur while on commission business.

**g. Powers and Duties.** The KHPC shall have the following powers and duties:

- (1) To adopt any of its own by-laws and procedural regulations, if needed, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
- (2) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
- (3) To investigate and recommend, **with the consent of the owner**, to the Planning and Zoning Commission and the City Council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological,

community or architectural value as “Landmarks”;

- (4) To investigate and recommend, with the consent of a majority of the owners, to the Planning and Zoning Commission and the City Council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as “Historic Districts”;
- (5) To keep a register of all properties and structures which have been designated as Landmarks or Historic Districts, including all information required for each designation;
- (6) To confer recognition upon the owners of Landmarks and property or structures within Historic Districts by means of certificates, plaques, or markers;
- (7) To advise and assist owners of Landmarks and property or structures within Historic Districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) To nominate Landmarks and Historic Districts to the Kirksville Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
- (9) To inform and educate the citizens of the City of Kirksville concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the KHPC, or other appropriate parties.
- (10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting proposed or designated Landmarks or structures within Historic Districts and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
- (11) To hold public hearings on each proposed nomination of a Landmark and of a Historic District and on the guidelines developed for each nomination;
- (12) To request the Building Inspector to issue stop work orders for any construction, alteration, removal or demolition undertaken without a

Certificate of Appropriateness or to stop work that violates the conditions of a certificate;

- (13) To review all applications for demolition permits for any commercial building, or any structure used as a residence, not to include trailer houses, within the corporate limits of the City, to determine impact to significant cultural resources, including those not yet nominated as Landmarks (See Section XII for demolition procedures and process), or as contributing properties within an Historic District;
- (14) To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied;
- (15) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of Landmarks or property and structures within Historic Districts;
- (16) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Landmarks or Historic Districts;
- (17) To administer on behalf of the City of Kirksville any property of historical significance or full or partial interest in real property, including easements that the City of Kirksville may have or accept as a gift or otherwise, upon approval by the City Council;
- (18) To accept and administer on behalf of the City of Kirksville, upon approval of the City Council, such gifts, grants, and money as may be appropriate for the purposes of this ordinance. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the KHPC and the purposes of this ordinance;
- (19) To call upon available city staff members as well as other experts for technical advice;
- (20) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
- (21) To testify before all boards and commissions, including the Planning and Zoning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and

architecturally significant property, structures, sites and areas;

- (22) To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this ordinance;
- (23) Provide input into the development of a preservation component in the Master Plan of the City of Kirksville;
- (24) To periodically review the Kirksville Historic Preservation Zoning Ordinance and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of Landmarks or property, sites and structures within Historic Districts; and
- (25) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this ordinance.

### **Section III: Surveys and Research**

The Kirksville Historic Preservation Commission shall undertake an ongoing survey and research effort in the City of Kirksville to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural, or aesthetic importance, interest, or value, and shall maintain an inventory of that information. Before the Kirksville Historic Preservation Commission shall on its own initiative nominate any landmark or district for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the City of Kirksville to identify significant resources. As part of the survey, the Kirksville Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Kirksville Historic Preservation Commission shall systematically identify potential Landmarks and Historic Districts and adopt procedures to nominate them based upon the following criteria:

1. The potential Landmarks and Historic Districts in one identifiable neighborhood or distinct geographical area of the City of Kirksville;
2. The potential Landmarks and Historic Districts associated with a particular person, event, or historical period;
3. The potential Landmarks and Historic Districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;

4. The potential Landmarks and Historic Districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;
5. Such other criteria as may be adopted by the Kirksville Historic Preservation Commission to assure systematic survey and nomination of all potential Landmarks and Historic Districts within the City of Kirksville.

#### **Section IV. Nomination of Landmarks and Historic Districts**

**a. ~~General.~~ Nomination of Landmarks.** Nominations of Landmarks shall be made to the Kirksville Historic Preservation Commission on a form prepared by it and may be submitted by ~~a member of the KHPC, owner or any one of the owners of record of the nominated property or structure. , or the City Council.~~ Nominations shall be turned in to the City Clerk, who will within fourteen (14) days of receipt ~~mail a notification of intent to nominate to the owner of record of the nominated property.~~ send to the Codes & Planning Director who will add the nomination of the property to the next available agenda of the KHPC, after any required posting for a public meeting. Forms and criteria for nomination will be available at the Office of the City Clerk.

**b. Nomination of Historic Districts.** Nomination of a Historic District shall be made to the Kirksville Historic Preservation Commission on a form prepared by it and may be submitted by any one of the owners of any property or structures within the boundaries of the proposed Historic District. Nominations shall be turned in to the City Clerk, who will within fourteen (14) days of receipt send to the Codes & Planning Director. The Codes & Planning Director will determine the ownership of all properties and sites within the boundaries of the proposed Historic District. Certified mailings will be sent out to all owners of the proposed Historic District explaining the proposed nomination that has been received. A date, time, and place for a vote of the Property Owners on the proposed Historic District will be set. When the vote has taken place and a tally of the votes has been completed, a majority of 66% of the owners voting must vote in favor of the nomination before it can move forward. If approved, the nomination of the Historic District will be added to the next available agenda of the KHPC, after any required posting for a public meeting. Forms and criteria for nomination will be available at the Office of the City Clerk.

**c. Criteria for Consideration of Nomination.** The KHPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one or more of the following criteria, based on Criteria for Evaluation for the National Register of Historic Places:

1. Its character, interest, or value as part of the development, heritage, or

- cultural characteristics of the community, county, state or country;
2. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
  3. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
  4. Its location as a site of a significant local, county, state, or national event;
  5. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
  6. Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
  7. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
  8. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
  9. Its embodiment of design elements that make it structurally or architecturally innovative;
  10. Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or city;
  11. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
  12. Its suitability for preservation or restoration; and
  13. Its potential to yield information important to history and prehistory.

Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

**d. Public Hearing Meeting on Landmarks and Historic Districts.** Upon receipt of a completed nomination of a Landmark or Historic District, the Kirksville Historic Preservation Commission shall schedule a public hearing meeting to solicit input and comment on the proposed nomination and guidelines for Certificate of Appropriateness.

**e. Report and Recommendation of Kirksville Historic Preservation Commission.**

The KHPC shall, within a reasonable period of time from receipt of a completed nomination in proper form, adopt by resolution a recommendation that the nominated Landmark or Historic District does or does not meet the criteria for designation in Section IV of this ordinance. The resolution shall be accompanied by a report to the Planning and Zoning Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated Landmark or Historic District as it relates to the criteria for designation;
2. Explanation of the integrity or lack of integrity of the nominated Landmark or Historic District;

In the case of a nominated Landmark found to meet the criteria for designation:

1. The significant exterior architectural features of the nominated Landmark that should be protected;
2. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Section IV through IX of this ordinance;
3. Archaeological significance and recommendations for interpretation and protection.

In the case of a nominated Historic District found to meet the criteria for designation:

1. The types of significant exterior architectural features of the structures within the nominated Historic District that should be protected;
2. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section IV through IX of this ordinance;
3. The type and significance of historic and prehistoric archaeological sites within the nominated Historic District;
4. Proposals for design guidelines of KHPC review of Certificates of Appropriateness within the nominated Landmark or Historic District;

5. The relationship of the nominated Landmark or Historic District to the ongoing effort of the KHPC to identify and nominate all potential cultural resources that meet the criteria for designation;
6. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated Landmark or Historic District, including recommendations for buffer zones to protect and preserve visual integrity;
7. A map showing the location of the nominated Landmark and/or the boundaries of the nominated Historic District.

The recommendations and report of the KHPC shall be sent to the Planning and Zoning Commission ~~within fourteen (14) days~~ following the vote on the resolution and shall be available to the public in the Office of the City Clerk, or on the City's website: [www.kirksvillegcity.com](http://www.kirksvillegcity.com).

**f. Notification of Nomination.** The Planning and Zoning Commission shall schedule and hold a **public** hearing on the nomination following receipt of a report and recommendation from the KHPC that a nominated Landmark or Historic District does or does not meet the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for zoning map amendments or ordinance amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators.

**g. Public Hearing.** Oral or written testimony concerning the significance of the nominated Landmark or Historic District shall be taken at the public hearing from any person concerning the nomination. The Kirksville Historic Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated Landmark or Historic District with the criteria for consideration of a nomination set forth in Section IV of this ordinance.

**h. Determination by Planning and Zoning Commission.** Within a reasonable period of time following the close of the public hearing, the Planning and Zoning Commission shall make a determination upon the evidence whether the nominated Landmark or Historic District does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning and Zoning Commission and shall be accompanied by a report stating the findings of the Planning and Zoning Commission concerning the relationship between the criteria for designation in Section IV of this ordinance and the nominated Landmark or Historic District and all other information required by Section IV of this ordinance.

**i. Notification of Determination.** Notice of the determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated Landmark and of all property within a nominated Historic District and to the nominator within fourteen (14) days following adoption of the resolution. Within ~~fourteen (14)~~ **thirty (30)** days following a determination by the Planning and Zoning Commission that the nominated Landmark or Historic District does not meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated Landmark or Historic District be designated shall be sent to the City Council.

**j. Appeal.** A determination by the Planning and Zoning Commission that the nominated Landmark or Historic District does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated Landmark or of property within the nominated Historic District, may within thirty (30) days after the postmarked date of the notice of the determination file with the City Clerk a written appeal to the City Council.

**k. Action by City Council.** The City Council shall, within ninety (90) calendar days after receiving the recommendation that the nominated Landmark or Historic District be designated or receiving a written appeal, either reject the recommendation or written appeal or designate the Landmark or Historic District by an ordinance. The City Council shall hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in Section IV **f** and **g** of this ordinance. The ~~City Clerk~~ **Codes & Planning Director** shall provide written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated Landmark or of all property within a nominated Historic District. The notice shall include a copy of the designation ordinance if passed by the City Council and shall be sent within fourteen (14) days of the City Council action. A copy of each designation ordinance shall be sent to the members of the KHPC, the Planning and Zoning Commission, and to the Codes and Planning Director.

**l. The Designation Ordinance.** Upon designation, the Landmark or Historic District shall be classified as "H – Historic", and the designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official zoning map of the City of Kirksville shall be amended to show the location of the "H – Historic" zoning district as an overlay zone.

**m. Interim Control.** No building permit shall be issued by the Codes Department of the City of Kirksville for alteration, construction, demolition, or removal of a nominated Landmark or of any property or structure within a nominated Historic District from the date of the meeting of the Kirksville Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

**n. Amendment and Rescission of Designation.** The designation of a Landmark or Historic District may be amended or rescinded upon petition to the Kirksville Historic Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

## **Section V: Applications for Certificates of Appropriateness**

**a. Certificate of Appropriateness – When Required.** A Certificate of Appropriateness shall be required before the following actions affecting the significance of any Landmark or any structure within a Historic District may be undertaken:

1. Any construction, alteration, or removals requiring a building permit from the City of Kirksville;
2. Any demolition in whole or in part requiring a demolition permit from the City of Kirksville;
3. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the Landmark or Historic District;
4. Any construction, alteration, or removal involving earth disturbing activities that might affect archaeological resources;
5. Any actions to correct a violation of a minimum maintenance standard.

Applications for a Certificate of Appropriateness shall include accompanying plans and specifications affecting the significance of a designated Landmark or of a property within a designated Historic District; and applications for demolition permits shall include plans and specifications for the contemplated use of the property. Applications for building and demolition permits shall be forwarded by the Codes & Planning Director to the Kirksville Historic Preservation Commission within ~~fourteen (14)~~ **thirty (30)** days following receipt of the application. A building or demolition permit shall not be issued until a Certificate of Appropriateness has been issued by the KHPC. Any applicant may request a meeting with the KHPC before the application is reviewed by the KHPC or

during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the KHPC and available at the Office of the City Clerk. The KHPC shall consider the completed application at its next regular meeting.

**b. Stop Work Order.** Whenever the Kirksville Historic Preservation Commission has reason to believe that an action for which a Certificate of Appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of a permit has occurred, it shall request that the Codes Department of the City of Kirksville make every reasonable effort to contact the owners, occupants, contractor or subcontractor and inform them of proper procedures. If the KHPC or the Codes Department determines that a stop work order is necessary to halt an action, it shall request the Codes Department to send a copy of the stop work order by certified mail return receipt requested to the owners, occupants, contractors and subcontractors, and notify them of the process of applying for a Certificate of Appropriateness. A copy of the proper application form shall be included in the notice. If necessary, a second or subsequent stop work order may be issued for the same project.

## **Section VI. Determination by the Kirksville Historic Preservation Commission.**

**a. Timeline of a Certificate of Appropriateness.** The Kirksville Historic Preservation Commission shall review the application for a building or demolition permit or for a Certificate of Appropriateness and issue or deny the permit within sixty (60) days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant and the Kirksville Codes and Planning Director within fourteen (14) days following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

**b. Voiding a Certificate of Appropriateness.** A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable. If the project is not completed according to the guidelines provided in the Certificate of Appropriateness, the project shall be deemed in violation of this ordinance.

**c. Denial of a Certificate of Appropriateness.** A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Kirksville Historic Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the KHPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the KHPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the KHPC.

## **Section VII: Review of Public Improvement and Land Acquisition Projects**

Public improvement and land acquisition projects by the City of Kirksville or any of its departments or agencies shall be reviewed by the Kirksville Historic Preservation Commission in the following manner:

1. The Kirksville Historic Preservation Commission shall review and comment upon any public improvement project proposed by the City of Kirksville or any of its agencies or departments within any historic district, on the site of or within two hundred (200) feet of any Landmarks, or within two hundred (200) feet of any boundary of a Historic District. The Department of Public Works shall send a completed preliminary design for a public improvement project to the KHPC simultaneously with its submission to the City Council for approval. The KHPC shall have at least thirty (30) days to complete its review and report to the City Council, except when the Department of Public Works, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the KHPC shall complete its review and report to the Council.
2. The Kirksville Historic Preservation Commission shall review and comment upon any proposed acquisition of a Landmark or of land or buildings within a Historic District by the City of Kirksville or any of its agencies or departments. The City Council or the Department of Public Works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the KHPC information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the KHPC shall report to the City Council.
3. The Kirksville Historic Preservation Commission shall review the public improvement or land acquisition projects to determine its effect upon the historic, archaeological or architectural character of the Landmark or Historic District and report to the City Council within any time specified by the City Council or Planning Department but not to exceed forty-five (45) days. The report by the KHPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic, archaeological, or architectural character of the Landmark or Historic District. The City Council shall take no final action on the preliminary design or land acquisition until it has received and reviewed the report of the KHPC.

## **Section VIII: Standards for Review**

In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Kirksville Historic Preservation Commission shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the Landmark or Historic District. Applications, standards for review and design guidelines shall be available in the Office of the City Clerk for distribution to the public.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterizes a historic property shall be preserved.
6. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the

massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **Section IX: Design Guidelines**

Design guidelines for applying the criteria for review of Certificates of Appropriateness shall, at a minimum, consider the following architectural criteria:

1. **Height** – The height of any proposed alteration or construction should be compatible with the style and character of the Landmark and with surrounding structures in a Historic District.
2. **Proportions of Windows and Doors** – The proportions and relationships between doors and windows should be compatible with the architectural style and character of the Landmark and with surrounding structures within a Historic District.
3. **Relationship of Building Masses and Spaces** – The set back and relationship of a structure within a Historic District to the open space between it and adjoining structures should be compatible.
4. **Roof Shape** – The design of the roof should be compatible with the architectural style and character of the Landmark, and with surrounding structures in a Historic District.
5. **Landscaping** – Landscaping should be compatible with the architectural character and appearance of the Landmark and or surrounding structures and landscapes in Historic Districts.
6. **Scale** – The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a Historic District.
7. **Directional Expression** – Facades in Historic Districts should blend with other structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a Landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

8. **Architectural Details** – Architectural details including materials, colors, and textures should be treated so as to make a Landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a Landmark or Historic District.
9. **Signage** – The character of signs should be in keeping with the historic architectural character of a Landmark or Historic District. Character of a sign includes the number, size, area, scale, location, type, (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination.
10. **Minimum Maintenance** – Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a Historic District.

## **SECTION X: Certificate of Economic Hardship**

Application for a certificate of economic hardship shall be made on a form prepared by the Kirksville Historic Preservation Commission only after a certificate of appropriateness has been denied. The KHPC shall schedule a public hearing concerning the application and provide public notice and individual notice to the applicant, owners of record, and owners adjacent to the property in the same manner as in Section IV, and any person may testify at the hearing concerning economic hardship. All testimony, objections thereto and rulings at such public hearing shall be taken down by a reporter employed by the city for that purpose, or, if electronic tape recording equipment is available, by such electronic means. The KHPC may solicit expert testimony or require that the applicant for a certificate for economic hardship make submissions concerning any or all of the following information before it makes a determination on the application.

1. Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the KHPC for changes necessary for the issuance of a certificate of appropriateness;
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
3. Estimated market value of the property in its current condition; after

completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the KHPC, and, in the case of a proposed demolition, after renovation of the existing property for continued use;

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure;

## **Section XI: Maintenance of Historic Properties**

**Ordinary Maintenance Exclusion.** Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in Section IV.

**Definition of Ordinary Maintenance.** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

**Minimum Maintenance Requirement.** All buildings and structures designated by city ordinance as “H” – Historic shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of external chimneys;
4. The deterioration or crumbling of plasters or mortar;
5. The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes, and other forms of decay;
7. The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;

8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by an Inspector from the Codes Department. The notice shall be by certified mail or first class mail and shall specify each item in the property or Landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall ~~have thirty (30) days from the receipt of notice~~ **be given a due date with a reasonable amount of time** to comply with the minimum maintenance requirements. ~~The Kirksville Historic Preservation Commission~~ **The Codes & Planning Director or his designated Building Inspector, for good cause shown,** may extend the ~~thirty (30) day period.~~ **due date for good cause.** If after the original ~~thirty (30) day~~ **time** period or any extension granted by the Building Inspector the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this section and punished in accordance with Section XVI.

### **Section XII: Review of Applications for Demolition of Structures**

1. Applications for demolition of existing structures which are already designated as a Landmark or part of a Historic District, or are a planned or pending Landmark or part of a Historic District must be approved by a majority vote of the KHPC, in regular or special session, with a Certificate of Appropriateness.
2. Applications for demolition of an existing structure, which could be a residential home, or a structure which has never been used as a residential home, such as a garage, accessory building, or commercial building, and which is not a current, planned, or pending Landmark or part of a Historic District, must be approved by the Chairman and Vice-Chair of the KHPC, and by the Codes & Planning Director. If unanimous consent is not present, the matter must be presented before the full Kirksville Historic Preservation Commission in regular or special session. Approval of the 3 persons listed above would be required on a Certificate of Appropriateness. This approval may also be given by the full KHPC in regular or special sessions.

### **Section XIII: Review of Applications for Zoning Amendments, Special Use Permits and Variances.**

Applications for zoning amendments, special use permits, or variances for a Landmark or structures within a Historic District shall be referred to the Kirksville Historic Preservation Commission by the Kirksville Codes & Planning Director at least ten (10) days prior to the date of the public hearing set by the Planning and Zoning Commission or the Board of Adjustment. The KHPC may review these applications using any format which it deems appropriate provided, however, that the applicant shall be notified of the

time and place of such review and shall be given the opportunity to appear and be heard. Prior to the public hearing, the KHPC shall forward its comments to the Codes & Planning Director for presentation to the Planning and Zoning Commission or to the Board of Adjustment for their consideration in reviewing the application.

#### **Section XIV: Appeals**

If the Kirksville Historic Preservation Commission denies an application for a Certificate of Appropriateness, the KHPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within six months, the applicant may file with the Codes & Planning Director a written appeal to the Board of Adjustment. In acting upon the appeal, the Board may grant a variance from the strict interpretation of this ordinance when such will not materially affect the health or safety of the applicant and general public.

#### **Section XV: Public Safety Exclusion**

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Building Inspector, and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

#### **Section XVI: Fees and Penalties**

The Board shall establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness.

It shall be unlawful for any person to undertake or cause an alteration, construction, demolition or removal of any nominated or designated Landmark or structure within a nominated or designated Historic District without a Certificate of Appropriateness.

It shall be unlawful to not maintain designated Landmarks or structures within designated Historic Districts within the minimum maintenance requirements of Section XI of this ordinance.

Any person convicted of violating the provisions of this ordinance shall be punished according to Sec. 1-7 (a,b,and c) of the Code of Ordinances of the City of Kirksville, Missouri.

This ordinance shall be effective from and after the date of its passage.

**PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON THIS  
DAY OF , 2008.**

\_\_\_\_\_  
Martha Rowe, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Brumbaugh, City Clerk

**KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Policies of Other Municipalities Concerning the Sale or Consumption of Alcohol on City Property.

**STUDY SESSION MEETING DATE:** September 8, 2008

**CITY DEPARTMENT:** Community Services

**PREPARED BY:** Steven Bell, Community Services Director

Staff conducted a survey of Missouri municipalities through the Missouri Parks and Recreation Association about the sale and/or the consumption of alcohol on City property. We received eleven responses. Nine communities allowed this activity, two did not.

None of the responding communities that allowed the sale and/or consumption of alcohol reported additional vandalism or safety concerns. Police intervention was reported as minimal by two Communities, it was not an issue for the other communities. Survey results:

**ALCOHOL ON CITY PROPERTY**

<b>CITY</b>	<b>YES or NO</b>	<b>CITY ORDINANCE</b>	<b>NEGATIVE RESULTS</b>	<b>INCREASED POLICE</b>	<b>SPECIAL REGULATIONS</b>
St. Charles County	Yes	Yes	No	No	No glass containers
Concordia	Yes	Yes	No	No	Some restrictions
Bridgeton	Yes	Yes	No	No	
Shrewsbury	Yes	Yes	No	No	Liquor License to sell
Sikeston	Yes	Yes	No	No	Prohibited at baseball/softball facilities during youth programs
Town & Country	Yes	Yes	No	No	Carry in only, no alcohol sales
Independence	Yes	Yes	No	No	
Marshall	Yes	Yes	No	No	Allowed only in specific areas
Warrenton	Yes	Yes	No	No	Prior approval
Sedalia	No	Yes			
Warrensburg	No	Yes			

**Policy For Consumption of Alcohol  
(Intoxicating Liquor or Non-intoxicating Beer)  
On City Property**

**PURPOSE:**

The City of Kirksville hereby adopts the following policy to allow for the consumption of alcohol on City Property. The purpose of this policy is to prescribe the manner in which permits for the consumption of alcohol at special events on City property will be issued, the requirements for such permits, and the rules and regulations governing such activities. The applicant must comply with all other City ordinances and policies regarding the use of City property.

**PROCEDURES:**

1. Any request for the use of a public facility, whether or not it involves the consumption of alcohol, must be made to the appropriate City department responsible for the administration of that facility.

2. In addition to the submittal of an application for the use of a public facility, sponsors of any special event at which it is proposed that alcohol be allowed to be consumed must also submit an application to the City Clerk's office for a permit to possess and consume alcohol at a special event on City property no later than sixty (60) days in advance of the proposed event or effective date of the permit. There shall be no fee for such application

3. Application's will be approved by the City Council after input from the City Manager and other City departments. A permit may be denied if, based on information acquired by or submitted to the City Council, it is determined that the issuance of the permit is contrary to the public health, welfare and safety.

**GENERAL REQUIREMENTS:**

1. **Insurance** - The permit holder shall provide a certificate of general liability insurance which names the City as an additional insured, and provides for at least fifteen (15) days notice of cancellation. The minimum insurance coverage limits shall be \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.

2. **Applicant** - Only municipal, charitable and/or nonprofit organizations shall be allowed to apply for and receive such a permit, in conjunction with a specified event to be held on City property as designated in the application. Only one organization per event is eligible to receive such a permit, which must be the primary organization sponsoring the event, or a municipal, charitable or nonprofit organization selected by the primary sponsor.

3. **Special Event Defined** - A special event is defined as any event that is open to the public, regardless of whether a fee is charged, specific to an identifiable time and place.

4. **Posting** - The permit for the possession and consumption of alcohol on City property must be posted in a conspicuous location at all times during the event.

5. **Other** - The permit holder must meet with Kirksville Police Department staff to review all rules, regulations and conditions associated with the permit. A representative of the permit holder is required to be on site for the entire event, and shall provide contact information to the Kirksville Police Department. The permit holder shall comply with all conditions established by the Kirksville Police Department and/or the Kirksville Fire Department for such event.

6. **Locations** - Permits for the possession and consumption of alcohol on City property will only be considered at the following locations:

- a. Airport
- b. Downtown streets located in the Central Business District
- c. North Park Complex
- d. Rotary Park Amphitheater

7. **Security** - Certain events may require the need for security personnel or police officers for crowd and traffic control. Security requirements will be determined by the Kirksville Police Department, which must be accepted and followed. The applicant/sponsor will be required to pay for security personnel for the event.

8. **Location Layout Requirements** - All events for which such a permit is issued shall comply with the following:

- a. The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area.
- b. The Kirksville Police Department shall determine the number of entrances/exits required for each event. All entrances/exits, shall be staffed at all times.
- c. A system of checking I.D.'s to prevent underage drinking must be provided and followed.

d. A layout of the area to be utilized for serving and consuming alcohol shall be provided with the application. Such area proposed must be approved as part of the issuance of the permit.

e. The specific hours of the event will be approved as part of the permit, however, all such events for which a permit is issued shall conclude no later than twelve o'clock midnight.

9. ***Sale of Alcohol*** - The sale of alcohol at any such event shall only be allowed by the holder of valid licenses for such sales issued by both the City of Kirksville, and the Missouri Department of Liquor Control.

10. ***Terms and Conditions*** - Various City departments, including the Kirksville Police Department and the Kirksville Fire Department, will be asked to review the application, and may recommend to the City Council the placement of certain conditions or requirements on the issuance of the permit. The permit issued by the City will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City Council. The applicant/sponsor will be required to sign the permit, thereby agreeing to all terms and conditions thereof, and to the provisions of this policy.

11. ***Comply With Other Laws*** - Applicant/Sponsor shall not allow the site of the special event to be used in violation of any other local, state or federal law or regulation, including, but not limited to, those prohibiting public intoxication and serving of alcoholic beverages to minors.

12. ***Indemnity*** - The applicant/sponsor shall agree to hold the City harmless and indemnify the City and defend the City from and against all claims, actions, suits or demands, including reasonable attorneys fees, arising out of any breach by applicant of the terms of this policy or of the terms and conditions of the permit.

{We will still need to tweak a couple of the existing code sections and generate a form application and form permit.}

CITY COUNCIL POLICY #  
DATE: November 2008  
AMENDED:

## **ANNEXATION POLICY**

### **Purpose**

An annexation policy sets forth a framework for phasing the growth of the City of Kirksville. The primary goal of this policy is to ensure efficient delivery of adequate public services to new development as it occurs in a manner that is most beneficial to the citizens of the community. This goal will be further accomplished by adherence to the Kirksville Comprehensive Plan and adopted master plans for City services, such as the master sewer and water plans. The City will pursue the following annexation goals when reviewing a proposed annexation. These goals are consistent with goals set forth in the Kirksville Comprehensive Plan.

### **Goals**

The City shall pursue an annexation program that adds to the economic stability of the city, protects and enhances its quality of life, and protects its environmental resources.

The City shall use annexation as a tool for the protection of valuable natural resources such as the Hazel Creek and Forest Lake Watersheds.

The City shall use annexation as a tool to establishment environmental practices that will eliminate over-the-hill sewage systems, establish storm water management; and ensure that the groundwater of Kirksville is protected and preserved.

The City shall adopt a proactive position in utilizing the tool of annexation, prior to development, to control the type, quality, and location of development in areas currently outside the city limits.

The City shall pursue a systematic annexation process to promote orderly growth and the provision of municipal services and to preserve the city's fiscal position.

The City shall use development policies such as utility extension policies and impact fees to encourage growth consistent with the City's ability to effectively manage such growth.

The City shall develop an Annexation Plan with input from the City's Planning and Zoning Commission, Lakes, Parks and Recreation Commission, Airport and Transportation Commission, and outside organizations of Kirksville Regional Economic Development, Inc. and Chamber of Commerce Tourism Advisory Board and shall review and update this plan every three- years.

Inform the public of all annexation proceedings, in full accordance with state law.

Consider citizens' concerns during the annexation process.

The City shall perform a fiscal impact analysis and provide a service plan for all areas proposed for annexation.

The City shall consider annexation of an area that would provide an economic advantage to the City.

The City shall consider annexation of an area to protect environmentally sensitive areas and to better regulate the quality of the development in the area.

The City shall consider annexation of areas before development occurs.

The City shall consider annexation of an area in the immediate path of growth to prevent undesirable development patterns.

The City shall consider annexation as a means of managing growth and providing zoning controls.

The City shall consider annexation of an area to increase the quality of life, upgrade utility facilities, and provide the necessary services to meet the specific needs of the residents in the extra-territorial jurisdiction.

The City shall oppose the creation of new municipalities, special purpose districts and water or wastewater utilities and municipal utility districts within the extra-territorial jurisdiction unless the City determines it cannot provide the necessary services.

The City shall guide the growth in the extra-territorial jurisdiction by focusing infrastructure spending in less environmentally sensitive areas and into "preferred growth corridors."

### **General Policies**

City of Kirksville will pursue annexation of contiguous properties within its urban growth area for desired development using appropriate methods allowed under state law.

Timing of annexation proposals will be determined based on what is most beneficial to the citizens of the community.

### **Municipal Boundaries**

To maintain efficient city service provision, Kirksville will discourage annexations that would result in irregular city boundaries.

Annexations will include the largest practicable area contiguous to city limits that still results in logical city boundaries.

### **Comprehensive Planning and Zoning**

Kirksville will approve only annexations that lie completely within the areas outlined in the Annexation Plan.

The Comprehensive Plan for the City of Kirksville shall incorporate the Annexation Plan.

### **Extension of Services**

Kirksville will support extensions of public water and sewer services within the extra-territorial areas that are consistent with the Kirksville Comprehensive Plan, the Kirksville Annexation Plan.

Owners of unincorporated properties must annex to receive City water or sewer service if the properties are contiguous to city limits and are configured in a manner that conforms to annexation policies.

Kirksville will consider the existing boundaries of special purpose districts when reviewing annexation proposals. Affected districts will be notified and provided the opportunity to comment on annexation proposals.

### **Annexation Cost/Benefit Analysis**

The Kirksville City Council may request that City staff on any annexation proposal perform a cost/benefit analysis. Such a cost/benefit analysis should be primarily for the purpose of determining appropriate annexation boundaries and timing, and may analyze several alternatives to provide a range of options.

### **Public Information**

The City of Kirksville will make available to any interested person annexation information sheets that explain the process and benefits of annexing into Kirksville. All annexation proceedings will be conducted in full accordance with state law, including at least one public hearing.

Missouri Revised Statutes  
**Chapter 71**  
**Provisions Relative to All Cities and Towns**  
**Section 71.012**

August 28, 2008

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**Annexation procedure, hearing, exceptions (Perry County, Randolph County)--contiguous and compact defined--common interest community, cooperative and planned community, defined--objection, procedure.**

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

(L. 1976 H.B. 1362, A.L. 1978 S.B. 738, A.L. 1980 H.B. 1110, A.L. 1986 H.B. 1135 merged with H.B. 1261, A.L. 1989 H.B. 487, A.L. 1990 H.B. 1536, A.L. 1993 S.B. 376, A.L. 1995 H.B. 414, A.L. 1996 H.B. 1237, A.L. 1998 H.B. 1352, A.L. 1999 S.B. 160 & 82, A.L. 2005 H.B. 58, A.L. 2007 H.B. 459 merged with S.B. 22 merged with S.B. 30)